

AMENDED IN ASSEMBLY APRIL 3, 2003  
AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 390**

**Introduced by Assembly Member Montanez**

February 14, 2003

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An act to add *and repeal* Section 41514.1 ~~to~~ of the Health and Safety Code, relating to air resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 390, as amended, Montanez. Hospitals: backup generators.

Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources and, subject to the powers and duties of the State Air Resources Board, requires that districts adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction. Existing law authorizes each district to establish a permit system that requires, except as specified, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, the person obtain a permit from the air pollution control officer of the district.

Under existing law, the State Department of Health Services regulates health facilities, including general acute care hospitals.

This bill would require a general acute care hospital to test its diesel powered backup generator as prescribed, *and would require a diesel*

generator to be started once per week when it is not being tested. This bill would require a general acute care hospital to submit this data to the department upon the department's request.

*This bill would repeal those provisions as of January 1, 2009.*

*Because violation of the requirements of this bill would be a crime under provisions of existing law, this bill would impose a state-mandated local program by changing the definition of a crime.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41514.1 is added to the Health and  
2 Safety Code, to read:

3 ~~41514.1.—(a) A general acute care hospital, as defined under~~  
4 ~~subdivision (a) of Section 1250, shall test its diesel backup~~  
5 ~~generator 12 times a year with testing intervals of not less than 20~~  
6 ~~days and not more than 40 days. These tests shall be conducted for~~  
7 ~~at least 30 continuous minutes under a dynamic load that is at least~~  
8 ~~30 percent of the nameplate amperage rating of the generator.~~

9 ~~A general acute care hospital shall also test the automatic~~  
10 ~~transfer switches for its diesel generator 12 times a year with~~  
11 ~~testing intervals of not less than 20 days and not more than 40 days.~~

12 ~~(b) A general acute care hospital may test its diesel backup~~  
13 ~~generator less than 30 percent of the amperage rating contained on~~  
14 ~~the diesel backup generator's nameplate. If a general acute care~~  
15 ~~hospital tests its diesel backup generator less than 30 percent of the~~  
16 ~~amperage rating contained on the diesel backup generator's~~  
17 ~~nameplate, the hospital shall revise the existing documented~~  
18 ~~management plan to conform with the latest editions of the~~  
19 ~~National Fire Protection Association 99: Standard for Health Care~~  
20 ~~Facilities, and the National Fire Protection Association 110:~~  
21 ~~Standard for Emergency and Standby Power Systems, testing and~~  
22 ~~maintenance activities. These activities shall include inspection~~

1 ~~procedures for assessing the prime mover's exhaust gas~~  
2 ~~temperature against the minimum temperature recommended by~~  
3 ~~the manufacturer.~~

4 ~~(e) A diesel powered backup generator at a general acute care~~  
5 ~~hospital that does not meet the minimum exhaust gas temperatures~~  
6 ~~during testing shall be exercised for 30 continuous minutes at~~  
7 ~~intervals described in subdivision (a) with available emergency~~  
8 ~~power supply systems loads and tested annually with supplemental~~  
9 ~~loads of all of the following in the following order for a total of two~~  
10 ~~continuous hours:~~

11 ~~(1) Twenty-five percent of nameplate rating for 30 minutes.~~

12 ~~(2) Fifty percent of nameplate rating for 30 minutes.~~

13 ~~(3) Seventy-five percent of nameplate rating for 60 minutes.~~

14 ~~(d) During those weeks when a diesel backup generator is not~~  
15 ~~tested as provided for in subdivisions (a) to (c), inclusive, the~~  
16 ~~diesel generator shall be started at least one time per week, with or~~  
17 ~~without a load, for a period of time not to exceed the time it takes~~  
18 ~~for the coolant temperature to stabilize.~~

19 ~~(e)~~

20 ~~(a) A general acute care hospital, as defined in subdivision (a)~~  
21 ~~of Section 1250, shall use the most recent standard set by the Joint~~  
22 ~~Commission on the Accreditation of Healthcare Organizations for~~  
23 ~~testing hospital diesel generators. During each week that a diesel~~  
24 ~~backup generator is not tested, the generator shall be started at~~  
25 ~~least once, with or without load, for a period of time that allows~~  
26 ~~the coolant temperature to stabilize.~~

27 ~~(b) A general acute care hospital shall submit all data collected~~  
28 ~~under this section to the State Department of Health Services when~~  
29 ~~requested by the department.~~

30 ~~(c) This section shall remain in effect only until January 1,~~  
31 ~~2009, and as of that date is repealed, unless a later enacted statute,~~  
32 ~~that is enacted before January 1, 2009, deletes or extends that date.~~

33 *SEC. 2. No reimbursement is required by this act pursuant to*  
34 *Section 6 of Article XIII B of the California Constitution because*  
35 *the only costs that may be incurred by a local agency or school*  
36 *district will be incurred because this act creates a new crime or*  
37 *infraction, eliminates a crime or infraction, or changes the penalty*  
38 *for a crime or infraction, within the meaning of Section 17556 of*  
39 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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